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1104-762:JMD: #332022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
Simon BUCKLEY, et al. ) Before the Examiner  
Serial No. 10/662,735 ) James N. Smalley  
Filed September 15, 2003 ) Group Art Unit 3727  
CONTAINER CLOSURE ) February 16, 2005  
ASSEMBLY WITH SNAP-ON )  
OVERCAP )

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February 16, 2005

(Date of Deposit)

James M. Durlacher

Name of Registered Representative

*James M. Durlacher*  
Signature

February 16, 2005

Date of Signature

RESPONSE TO OFFICE ACTION

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated December 7, 2004, please enter the following amendments and remarks in the above-identified patent application.

Please provide any extensions of time which are required and charge any additional fees which may be due or credit any overpayments to Deposit Account No. 23-3030.

02/24/2005 MBERHE 00000016 10662735

01 FC:1201

200.00 OP



WEMMH/SB/21 (4/03)

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/662,735
Filing Date	September 15, 2003
First Named Inventor	Simon BUCKELY
Group Art Unit	3727
Examiner Name	James N. Smalley
Attorney Docket Number	1104-762/RKE-077

Total Number of Pages in this Submission

15

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached see PTO-2038 form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Additional Enclosure (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Small Entity Statement	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Documents		
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	James M. Durlacher Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	<i>James M. Durlacher</i>
Date	February 16, 2005

**Certificate of Mailing**I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on this date: **February 16, 2005**

Typed or printed name: James M. Durlacher, Reg. No. 28,840

Signature: *James M. Durlacher* Date: February 16, 2005

**FEE TRANSMITTAL  
FOR FY 2005**

Effective 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act (H.R. 4818).

**Complete if Known**

**Application Number** 10/662,735  
**Filing Date** September 15, 2003  
**First Named Inventor** Simon BUCKLEY  
**Group Art Unit** 3727  
**Examiner Name** James N. Smalley  
**Attorney Docket Number** 1104-762/RKE-077

☐ Applicant claims small entity status. See 37 CFR 1.301.  
**Total Amount of Payment** (\$) 200.00

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None ☐ Other (please identify):

☐ Deposit Account: Deposit Account Number 23-3030

Deposit Account Name Woodward, Emhardt, Moriarty, McNett & Henry LLP

**See PTO 2038 Form**

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments ☒ Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION:****1. BASIC FILING, SEARCH AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	\$ 0
Design	200	100	100	50	130	65	—
Plant	200	100	300	150	160	80	—
Reissue	300	150	500	250	600	300	—
Provisional	200	100	0	0	0	0	—

**2. EXCESS CLAIM FEES****Fee Description**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee	Fee Paid (\$)
14	- 20 or HP = 0	x 50	= (\$ 0)			
(HP = highest number of total claims paid for, if greater than 20)						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
4	- 3 or HP = 1	x 200	= (\$ 200)	360	\$ 0	
(HP = highest number of independent claims paid for, if greater than 3)						

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50	= (round up to a whole number) x		0

**4. OTHER FEE(S)** Fee Paid (\$)  
 Non-English Specification. 0

Other: \_\_\_\_\_

**SUBMITTED BY:**

<b>Name (Print/Type):</b>	James M. Durlacher	<b>Registration No.:</b> (Attorney/Agent)	28,840	<b>Telephone:</b>	(317) 634-3456
<b>Signature:</b>	<i>James M. Durlacher</i>			<b>Date:</b>	February 16, 2005

**CERTIFICATE OF MAILING OR TRANSMISSION**

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<b>Name (Print/Type)</b>	James M. Durlacher	<b>Date</b>	February 16, 2005
<b>Signature</b>	<i>James M. Durlacher</i>		